

Permit No. DC0000345 (Draft for Public Notice)

**National Pollutant Discharge Elimination System (NPDES)
Draft Individual Permit for Discharges from
National World War II Memorial**

Authorization to Discharge Under the National Pollutant Discharge Elimination System

In compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 et. seq.), except as provided in Part 1.3 of this permit, the

National Park Service,

is authorized to discharge from a facility located at,

National World War II Memorial
On the National Mall
Washington, DC 20001

pollutants to waters of the United States named

Tidal Basin

in accordance with effluent limitations and monitoring requirements, a Storm Water Pollution Prevention Plan described in Part III , and other conditions and requirements set forth herein.

This permit becomes effective immediately upon the permittee's submission of a Notice of Termination of coverage of the NPDES General Permit for Storm Water Discharges From Construction Activities, as provided in Permit Section 1.4.

This permit and the authorization to discharge expire at midnight, _____ (five years from permit issuance date)

Signed and issued this __day of __, 200_ .

Jon Capacasa, Director
Water Protection Division
U.S. Environmental Protection Agency
Region III

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PART I PERMIT COVERAGE AND LIMITATIONS

1 Coverage Under this Permit

1.1 Permit Area

This permit covers all areas within the boundary of National World War II Memorial in the District of Columbia owned or operated by the National Park Service.

1.2 Eligibility / Discharges Covered

1.2.1 Subject to compliance with the terms and conditions of this permit, you are authorized to discharge:

1.2.1.1 *Storm water discharges.* This permit authorizes storm water discharges to waters of the United States from outfall 001 at National World War II Memorial except as excluded in Section 1.3.

1.2.1.2 *Treated Ground water, fountain water and pool water discharges.* This permit authorizes treated ground water, fountain water and pool water discharges to waters of the United States from outfall 001 at National World War II Memorial except as excluded in Section 1.3.

1.2.1.3 *Other Non-storm water discharges.* You are authorized to discharge the following non-storm water sources provided that the Permitting Authority has not determined these sources to be substantial contributors of pollutants to waters of the United States or to a municipal storm sewer system (See also Section 1.3.1 for additional permissible discharges):

- Potable water including water line flushing
- Landscape and lawn watering provided all pesticides, herbicides, and fertilizers have been applied in accordance with manufacturer's instructions
- Irrigation water
- Diverted stream flows
- Uncontaminated rising ground waters or springs
- Uncontaminated ground water infiltration (infiltration is defined as water other than wastewater that enters a sewer system, including sewer service connections and foundation drains, from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.)
- Uncontaminated pumped ground water
- Foundation or footing drains where flows are not contaminated with process materials such as solvents
- Uncontaminated air conditioning or compressor condensate
- Water from crawl space pumps
- Flows from riparian habitats and wetlands
- Dechlorinated pool discharges
- Street wash water where no detergents are used and no spills or leaks of toxic or hazardous materials have occurred (unless all spilled materials have been removed)
- Routine external building wash down which does not contain detergents
- Discharges or flows from fire fighting activities and fire hydrant flushing

1.3 Limitations on Coverage

- 1.3.1 This permit does not authorize: Discharges that are mixed with sources of non-storm water unless such non-storm water discharges are
- In compliance with this permit or a separate National Discharge Elimination System (NPDES) permit, or
 - Determined not to be a substantial contributor of pollutants to waters of the U.S.(See 1.2.1.3)
- 1.3.2 Storm water discharges associated with construction activity as defined in 40 CFR §122.26(b)(14)(x) or 40 CFR §122.26(b)(15). These discharges are covered under the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges From Construction Activities.
- 1.3.3 Storm water discharges currently covered under another permit.
- 1.3.4 Discharges or discharge-related activities that are likely to jeopardize the continued existence of any species that are listed as endangered or threatened under the Endangered Species Act (ESA) or result in the adverse modification or destruction of habitat that is designated as critical under the ESA. In the event of such discharges or discharge-related activities, EPA may reopen and modify the permit as as provided in Section 3.22.2 of this permit titled “ Reopener Clause.”
- 1.3.5 Discharges and discharge-related activities which are likely to have an adverse affect on a property that is listed or is eligible for listing on the National Register of Historic Places as maintained by the Secretary of the Interior; in compliance with the National Historic Preservation Act(See Section 3.22.2 of this permit).
- 1.3.6 Discharges that would cause or contribute to instream exceedances of water quality standards. (See Section 3.22.2 of this permit).
- 1.3.7 Discharges of any pollutant into any water for which a Total Maximum Daily Load (TMDL) has been either established or approved by the EPA unless you incorporate into your Storm Water Pollution Prevention Plan measures or controls that are consistent with the assumptions and requirements of such TMDL as provided in Section 5.1.3 of this permit titled, “ Consistency with Total Maximum Daily Loads (TMDL) Allocations”.
- 1.3.9 Discharges that do not comply with the District of Columbia anti-degradation policy for water quality standards as provided in Section 3.10 of this permit titled, “Permit Actions”.

1.4 Effective Date of Permit

This permit becomes effective immediately upon the permittee’s submission of a Notice of Termination of coverage of the NPDES General Permit for Storm Water Discharges From Construction Activities.

2.0 Effluent Limitations and Monitoring Requirements

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS:

Part I

A. Effluent Limitations and Monitoring Requirements

During the period beginning with the effective date of this permit, as provided in Section 1.4, and lasting through the expiration date of this permit, the permittee is authorized, as provided in Section 1.2, to discharge storm water and treated ground water, pool and fountain water, fountain water filter backwash and other non-storm water from Outfall 001.

The discharge shall be monitored by the permittee prior to the discharge pipe from Outfall 001 at a location considered to be representative of the discharge and approved in writing by EPA. Monitoring shall be performed in accordance with the requirements and instructions of Section 7 of this permit.

<u>Discharge Parameter</u>			<u>Discharge Limitation</u>			<u>Monitoring Requirements</u>		
	(kg/day)	lb/day	Other units (mg/l) ⁽¹⁾			Measurement ⁽²⁾	Sample	
Frequency		type		Avg. Monthly		Daily Max.	Monthly Avg.	Daily Max.
Flow (mgd)	N/A	N/A	Monitor & Report			1/month	Estimated	
Total Suspended Solids	N/A	N/A	30	60	N/A	1/month	Composite	
		N/A						
Solids	N/A	N/A	30	60		1/discharge	24-hr Solids (1) composite	
Arsenic	N/A	N/A	Monitor & Report			1/month	grab	
Iron	N/A	N/A	Monitor & Report			1/month	grab	
Silver	N/A	N/A	Monitor & Report			1/month	grab	
Copper	N/A	N/A	Monitor & Report			1/month	grab	
Total Residual Chlorine ⁽³⁾	N/A	N/A	No Discharge			1/month	grab	
Oil and Grease	N/A	N/A	Monitor & Report			1/month	grab	
pH	Greater than 6.0 standard units and less than 8.5 standard Units					1/month	grab	

(1) Concentration levels of the listed parameters shall be reported on DMRs.

(2) The discharge from at least one measurable storm event, as described in Section 7.1.2.1 of this permit, shall be monitored each month. If no measurable storm event results in discharge from outfall 001 during the monthly monitoring period, then a dry weather discharge shall be monitored instead. Sample collection shall commence within the first 30 minutes of the discharge or as soon thereafter as practicable in accordance with Section 7.1.2.1 of this permit.

(3) No Chlorine shall be discharged in detectable amounts. For the purpose of this permit, no detectable amounts is defined as <0.1 mg/l. Monitoring to be conducted whenever discharges of chlorinated pool and fountain water occur.

There shall be no discharge of substances that float such as debris, scum, oil or foam to from nuisances in the receiving waters.

PART II STANDARD PERMIT CONDITIONS

3 Standard Permit Conditions

3.1 Duty to Comply

3.1.1 You shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of CWA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

3.1.2 *Penalties for Violations of Permit Conditions.*

Except as provided in permit conditions on “Bypassing” and “Upsets”, nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. The Permitting Authority will adjust the civil and administrative penalties listed below in accordance with the Civil Monetary Penalty Inflation Adjustment Rule (Federal Register: December 31, 1996, Volume 61, Number 252, pages 69359-69366, as corrected, March 20, 1997, Volume 62, Number 54, pages 13514-13517) as mandated by the Debt Collection Improvement Act of 1996 for inflation on a periodic basis. This rule allows EPA's penalties to keep pace with inflation. The Agency is required to review its penalties at least once every four years thereafter and to adjust them as necessary for inflation according to a specified formula. The civil and administrative penalties listed below were adjusted for inflation starting in 1996.

3.1.2.1 *Criminal Violations.*

3.1.2.1.1 *Negligent Violations.* The CWA provides that any person who *negligently* violates permit conditions implementing section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402, is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both. In the case of a second, or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both.

3.1.2.1.2 *Knowing Violations.* The CWA provides that any person who *knowingly* violates permit conditions implementing section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or both. In the case of a second, or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or by imprisonment of not more than 6 years, or both.

3.1.2.1.3 *Knowing Endangerment.* The CWA provides that any person who *knowingly* violates permit conditions implementing section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury shall, upon conviction be subject to a fine not more than \$250,000 or by imprisonment for not more than 15 years, or both. In the case of a second, or subsequent conviction for a knowing endangerment violation, a person shall be subject to criminal penalties of not more than \$500,000 per day of violation, or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the CWA shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.

3.1.2.1.4 *False Statement.* The CWA provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Act or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the Act, shall upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than two years, or by both. If a conviction is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four years, or by both. (See section 309(c)(4) of the Clean Water Act).

3.1.2.2 *Civil Penalties.*

The CWA provides that any person who violates a permit condition implementing section 301, 302, 306, 307, 308, 318 or 405 of the Act or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, is subject to a civil penalty not to exceed \$27,500 per day for each violation.

3.1.2.3 *Administrative Penalties.*

The CWA provides that any person who violates a permit condition implementing section 301, 302, 306, 307, 308, 318 or 405 of the Act or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, is subject to an administrative penalty as follows:

3.1.2.3.1 *Class I penalty.* Not to exceed \$11,000 per violation nor shall the maximum amount exceed \$27,500.

3.1.2.3.2 *Class II penalty.* Not to exceed \$11,000 per day for each day during which violation continues nor shall the maximum amount exceed \$137,500.

3.2 Need to Halt or Reduce Activity Not a Defense

Upon reduction, loss, or failure of any treatment facility, the permittee shall, to the extent necessary to maintain compliance with this permit, control production or all discharges or both until the facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when primary source of power of a treatment facility fails or is reduced or lost. It shall not be a defense for you in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

3.3 Duty to Mitigate

You shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

3.4 Duty to Provide Information

You shall furnish to the Permitting Authority any information that is requested to determine compliance with this permit or other information.

3.5 Other Information

If you become aware that you have failed to submit any relevant facts in your permit application or submitted incorrect information in the application or in any other report to the Permitting Authority, you shall promptly submit such facts or information.

3.6 Signatory Requirements

All permit applications, reports, certifications, or information submitted to the Permitting Authority, or that this permit requires be maintained by you shall be signed and certified as follows:

- 3.6.1 *Permit Application.* All permit applications shall be signed by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes (1) the chief executive officer of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.
- 3.6.2 *Reports and other information.* All reports required by the permit and other information requested by the Permitting Authority or authorized representative of the Permitting Authority shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - 3.6.2.1 *Signed authorization.* The authorization is made in writing by a person described above and submitted to the Permitting Authority.
 - 3.6.2.2 *Authorization with specified responsibility.* The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility for environmental matter for the regulated entity.
- 3.6.3 *Changes to authorization.* If an authorization is no longer accurate because a different operator has the responsibility for the overall operation of the National World War II Memorial, a new authorization satisfying the requirement of (3.6.2.2) above shall be submitted to the Permitting Authority prior to or together with any reports, information, or applications to be signed by an authorized representative.
- 3.6.4 *Certification.* Any person signing documents under section 63.6 shall make the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

3.7 Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations

3.8 Proper Operation and Maintenance

You shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by you to achieve compliance with the conditions of this permit and with the conditions of your Storm Water Pollution Prevention. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by you only when the operation is necessary to achieve compliance with the conditions of the permit.

3.9 Inspection and Entry

You shall allow the Permitting Authority or an authorized representative (including an authorized contractor acting as a representative of the Administrator) upon the presentation of credentials and other documents as may be required by law, to do any of the following:

- 3.9.1 Enter your premises where a regulated facility or activity is located or conducted or where records shall be kept under the conditions of this permit;
- 3.9.2 Have access to and copy at reasonable times, any records that shall be kept under the conditions of this permit;
- 3.9.3 Inspect at reasonable times any facilities or equipment (including monitoring and control equipment) practices, or operations regulated or required under this permit; and
- 3.9.4 Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.

3.10 Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause including but not limited to the following.

- a. Violation of any terms or conditions of this permit;
- b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts;
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- d. Information newly acquired by the Agency, including but not limited to the results of the studies, planning, or monitoring described and/or required by this permit;
- e. Facility modifications, additions, and/or expansions;
- f. Any anticipated change in the facility discharge, including any new significant discharge or changes in the quantity or quality of existing discharges that will result in new or increased discharges of pollutants; or
- g. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination.

h. The effluent limitations are based on the District of Columbia's water quality standards in accordance with Clean Water Act. In the event of a revision of the District of Columbia's water quality standards this permit may be modified by EPA to reflect this revision.

Your filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

3.11 Permit Transfers

This permit is not transferable to any person except after notice to the Permitting Authority. The Permitting Authority may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Act.

In the event of any change in ownership or control of facilities from which the authorized discharge emanates, the permit may be transferred to another person if:

- a. The current permittee notifies the EPA, in writing of the proposed transfer at least 30 days in advance of the proposed transfer date;
- b. The notice includes a written agreement, between the existing and new permittee containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
- c. The EPA does not notify the current permittee and new permittee of intent to modify, revoke and reissue, or terminate the permit and require that a new permit application be submitted.

3.12 Anticipated Noncompliance

You shall give advance notice to the Permitting Authority of any planned changes in the permitted activity, which may result in noncompliance with this permit.

3.13 Bypass of Treatment Facilities

3.13.1 Definitions

(1) "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

(2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities, which causes them to become inoperable, or substantial and permanent loss of natural resources, which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

3.13.2 Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs c and d of this section.

3.13.3 Notice

(1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten days before the date of the bypass.

(2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Section D, Paragraph D-6 (24-hour notice).

3.13.4 Prohibition of bypass.

(1) Bypass is prohibited and the Director may take enforcement action against a permittee for bypass, unless:

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(c) The permittee submitted notices as required under paragraph c of this section.

(2) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph d(1) of this section.

3.14 Upset Conditions

3.14.1 Definition. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

3.14.2 Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of paragraph c of this section are met. The determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

3.14.3 Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and that the permittee can identify the specific cause(s) of the upset;

(2) The permitted facility was at the time being properly operated;

(3) The permittee submitted notice of the upset, as required in Section D, paragraph d-6; and

(4) The permittee complied with any remedial measures required under Section A, paragraph A-3.

3.14.4 Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

3.15 District of Columbia Environmental Laws

3.15.1 Nothing in this permit shall be construed to preclude the institution of any legal action or relieve you from any responsibilities, liabilities, or penalties established pursuant to any applicable District of Columbia law or regulation under authority preserved by section 510 of the Act.

- 3.15.2 No condition of this permit releases you from any responsibility or requirements under other environmental statutes or regulations.

3.16 Endangered Species

Storm water and groundwater discharges, construction, or any other activity that adversely affects a Federally listed endangered or threatened species are not authorized under the terms and conditions of this permit.

EPA requires that on a yearly basis, the permittee submit to NMFS copies of the Discharge Monitoring Reports (DMRs) that it has already submitted to EPA in accordance with Part I of this permit. If these data indicate it is appropriate, requirements of this NPDES permit may be modified to prevent adverse impacts on habitats of endangered and threatened species.

The above referenced DMRs required under this permit are to be sent to NMFS no later than March 30th of the year following the calendar year for which the data was collected. DMRs shall be sent to the names and addresses listed below:

The National Marine Fisheries Service
Protected Resource Division
1 Blackburn Drive
Gloucester, MA 01930
Attn: Ms Carrie McDaniels

3.17 Severability

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

3.18 Procedures for Modification or Revocation

Permit modification or revocation will be conducted according to 40 CFR 122.62, 122.63, 122.64 and 124.5.

3.19 Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve you from any responsibilities, liabilities, or penalties to which you are or may be subject under section 311 of the CWA or section 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA).

3.20 Toxic Pollutants

The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the CWA for toxic standards within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

3.21 Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent all pollutants from such materials from entering navigable waters.

3.22 Reopener Clause for Water Quality Protection.

- 3.22.1 *Submission of additional information.* If there is evidence any time after authorization indicating that the storm water discharges authorized by this permit cause, have reasonable potential to cause, or contribute to a violation of a water quality standard, upon written notification from the permitting authority, you may be required to submit one of the following: (1) a supplemental Action Plan describing SWPPP modifications to respond to the identified water quality concerns, accompanied by a certification by a third party, professional engineer; (2) an explanation of why your discharge does not cause or contribute to nonattainment of applicable water quality standards; or (3) valid and verifiable data and information that are representative of ambient conditions and indicate that the receiving water is attaining water quality standards.
- 3.22.2 *Reopener Clause.* This permit may be reopened and modified during the life of the permit to address:
- 3.22.2.1 The need for additional or more stringent conditions on discharges or discharge-related activities if it is determined that such conditions are necessary to meet applicable water quality standards or other requirements under the Clean Water Act
- 3.22.2.2 The permit be reopened and modified if it is determined that discharges or discharge-related activities are likely to jeopardize the continued existence of any species that are listed as endangered or threatened under the Endangered Species Act (ESA) or result in the adverse modification or destruction of habitat that is designated as critical under the ESA.
- 3.22.2.3 The permit may also be reopened and modified if it is determined that discharges or discharge-related activities are likely to have an adverse affect on a property that is listed or is eligible for listing on the National Register of Historic Places as maintained by the Secretary of the Interior, in compliance with the National Historic Preservation Act.
- 3.22.2.4 Changes in water quality standards and or changes in District of Columbia or Federal statues or Regulations;
- 3.22.2.5 Changes in portions of the Storm Water Pollution Prevention Plan that are considered permit conditions; or
- 3.22.2.6 Other modifications deemed necessary by the Permitting Authority to meet the requirements of the Clean Water Act. All modifications to the permit will be made in accordance with 40 CFR 122.62, 122.63, and 124.5.

3.23 Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after expiration date of this permit, the permittee shall apply for and obtain a new permit. The application shall be submitted at least 180 days before the expiration date of this permit. The Permitting Authority may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date. In the event that a timely and complete re-application has been submitted and the Permitting Authority is unable, through no fault of the permittee, to issue a new permit before the expiration date of this permit, the terms and conditions of this permit are automatically continued and remain fully effective and enforceable.

- 3.23.1 *Submitting a Late Application.* You are not prohibited from submitting an application after the dates provided in 2.1. If a late application is submitted, your authorization is only for discharges that occur after permit coverage is granted. The Permitting Authority reserves the right to take appropriate enforcement actions for any unpermitted discharges.
- 3.23.2 *Contents of the Permit Application* The Application shall be signed in accordance with Part 3.6 of this permit and shall include the following information:
 - 3.23.2.1 *Information on the Permittee:*
 - 3.23.2.1.1 The name of your Federal agency, name of environmental manager, mailing address, and telephone number;
 - 3.23.2.1.2 A site map which indicates drainage areas served by all outfalls, paved areas and buildings within the drainage areas of each outfall, areas used for outdoor storage of significant materials, existing structural control measures to reduce pollutants in storm water, hazardous waste treatment storage or disposal facilities, and surface water bodies that receive storm water discharges from the facility.
 - 3.23.2.2 *Information on the Storm Water System:*
 - 3.23.2.2.1 Description of storm water management system, and the latitude and longitude of the discharge location;
 - 3.23.2.2.2 The name of the major receiving water(s) and an indication of whether any of your receiving waters are on the latest CWA §303(d) list of impaired waters. If you have discharges to 303(d) waters, a certification that your Storm Water Pollution Prevention Plan complies with the requirements of Part III sections 5.1;
 - 3.23.2.2.3 If you are relying on another governmental entity regulated under the storm water regulations (40 CFR 122.26 & 122.32) to satisfy one or more of your permit obligations, the identity of that entity(ies) and the element(s) they will be implementing.
 - 3.23.2.2.4 Certification of whether you have met eligibility criteria for protection of threatened or endangered species, critical habitat, historic properties, and marine fisheries.
 - 3.23.2.3 *Information on the Non-Storm Water Systems:*

3.23.2.3.1 Description of all non-storm water discharges including discharge components (groundwater, fountain water, pool water etc.), treatment method and frequency of discharge.

3.23.2.3.2 Copy of your Storm Water Pollution Prevention Plan developed in accordance with section 6 of this permit and 40 CFR 122.44(k)

3.23.2.4 *Addendums to Application:*

Where the operator changes, or where a new operator is added after submittal of an application, an addendum to the application shall be submitted in accordance with Section 3.6.3 prior to the change or addition.

3.23.3 Where to Submit

You are to submit your application, signed in accordance with the signatory requirements of Section 3.6 of this permit, to EPA at the following address:

Storm Water Coordinator (3WP13)
USEPA
1650 Arch Street
Philadelphia, PA 19103

Definitions

All definitions contained in Section 502 of the Act and 40 CFR 122 shall apply to this permit and are incorporated herein by reference.

CWA or The Act means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et. seq.

PART III SPECIAL CONDITIONS

5 Discharge Specific Special Conditions

5.1 Discharges to Water Quality Impaired Waters

- 5.1.1 *Applicability:* The Tidal Basin is a Water of the US and is listed on the District of Columbia section 303(d) list of impaired waters. Storm water and other nonstorm water associated with National World War II Memorial discharge to this receiving stream. The Tidal Basin is listed for the following pollutants: bacteria, toxics.
- 5.1.2 *Water Quality Controls for Discharges to Impaired Waters Without a TMDL.* The permittee's Storm Water Pollution Prevention Plan shall include a section describing how your program will control the discharge of the pollutants of concern (bacteria and toxics) and ensure your discharges will not cause or contribute to instream exceedances of the water quality standards. This discussion shall specifically identify measures and BMPs that will collectively control the discharge of the pollutants of concern.
- 5.1.3 *Consistency with Total Maximum Daily Load (TMDL) Allocations.* At the time of issuance of this permit, no TMDLs have been developed and approved by EPA for the Tidal Basin. When a TMDL has been approved for any waterbody into which you discharge, you shall, at the next permit issuance or as an addendum to the current permit as directed by the Permitting Authority:
- 5.1.3.1 Determine whether the TMDL includes a pollutant wasteload allocation (WLA) or other performance requirements specifically for storm water discharge from your site activities.
- 5.1.3.2 Determine whether the TMDL address a flow regime likely to occur during periods of storm water discharge.
- 5.1.3.3 After the determinations above have been made and you find that your site facilities shall implement specific WLA provisions of the TMDL, you shall revise your SWPPP consistent with the assumptions and requirements of any applicable WLAs in the TMDL. You shall include a certification in the SWPPP regarding this consistency with the TMDL assumptions and requirements. Note that given the nature and variability of storm water discharges, BMPs are the most appropriate form of effluent limitations for most storm water discharges.
- 5.1.3.4 Document all control measures currently being implemented or planned to be implemented. Also include a schedule of implementation for all planned controls. Document the calculations or other evidence that shows that the WLA will be met.
- 5.1.3.5 Describe a monitoring program to determine whether the storm water controls are adequate to meet the WLA.
- 5.1.3.6 If the evaluation shows that additional or modified controls are necessary, describe the type and schedule for the control additions/revisions. Continue Parts 5.1.3.4-7 until two continuous monitoring cycles show that the WLAs are being met or that WQ standards are being met.

5.2 Discharge Specific Requirement: Storm Water.

You shall implement, operate, maintain and enforce a storm water management program documented in the facility's Storm Water Pollution Prevention Plan (SWPPP), appended as Appendix A to this permit. The storm water management program shall include "best management practices" (BMPs) as provided in 40 C.F.R. 122.44(k), to control or abate the discharge of pollutants in storm water, to ensure compliance with water quality standards, and to satisfy the applicable water quality requirements of the Clean Water Act. The SWPPP shall include at a minimum, a storm water management program that incorporates the following

- 5.2.1 *Storm Water from Vehicle Parking and Access Ways:* Management techniques for collection, conveyance and treatment such as a solids and oil and water separator device.
- 5.2.2 *Storm Water from Main Plaza and overflow from Vehicle Parking and Access Ways:* Management techniques for collection, conveyance and treatment such as a sedimentation basin.
- 5.2.3 *Other runoff from Main Plaza, Vehicle Parking, and Access Ways:* Management techniques for collection, conveyance and treatment from periodic washdown activities and deicing during winter storm events.

5.3 Discharge Specific Requirement: Groundwater.

You shall implement, operate, maintain and enforce a groundwater management program documented in the facility's SWPPP (Appendix A). The groundwater management program shall include BMPs as provided in 40 C.F.R 122.44(k) to control or abate the discharge of pollutants in groundwater, to ensure compliance with water quality standards, and to satisfy the applicable water quality requirements of the Clean Water Act. The SWPPP shall include at a minimum, a groundwater management program that incorporates the following

- 5.3.1 *Groundwater Collected in Memorial Underdrain:* Management techniques for collection, conveyance and treatment to remove iron, manganese and arsenic prior to disposal. Also incorporate necessary provisions to protect water quality during periodic treatment device backflush events. Finally, include contingency plan for handling and disposal of untreated groundwater in the event that the groundwater treatment system or portions thereof are not functioning properly

5.4 Discharge Specific Requirement: Pool and Fountain Water

You shall implement, operate, and maintain and enforce a pool and fountain water management program documented in the facility's SWPPP (Appendix A). The pool and fountain water management program shall include BMPs as provided in 40 C.F.R 122.44(k) to control or abate the discharge of pollutants in pool and fountain water, to ensure compliance with water quality standards, and to satisfy the applicable water quality requirements of the Clean Water Act. The SWPPP shall include at a minimum, a pool and fountain water management program that incorporates the following.

5.4.1 *Pool Water:* Management techniques for collection, conveyance and treatment or minimization of algaecides and biocides prior to disposal.

5.4.2 *Fountain Water:* Management techniques for collection, conveyance and treatment or minimization of algaecides and biocides prior to disposal. Also incorporate necessary provisions to protect water quality during periodic fountain water filter backwash events.

6.0 Storm Water Pollution Prevention Plan Implementation

6.1 Your SWPPP shall be prepared in accordance with 40 CFR 122.26 and good engineering practices, and shall include the discharge specific requirements described in Sections 5.2, 5.3, and 5.4, of this permit. The requirements of your SWPPP, which are enforceable as permit conditions, shall:

6.1.1 Identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges from your facility;

6.1.2 Describe and ensure implementation of practices which you will use to reduce the pollutants in storm water discharges from the facility, and;

6.1.3 Assure compliance with the terms and conditions of this permit.

6.2 Maintenance

All best management practices, control techniques, system, design, and engineering methods (collectively called BMPs); you identify in your SWPPP shall be maintained in effective operating condition. If site inspections identify BMPs that are not operating effectively, maintenance shall be performed before the next anticipated storm event, or as necessary to maintain the continued effectiveness of storm water controls. If maintenance prior to the next anticipated storm event is impracticable, maintenance shall be scheduled and accomplished as soon as practicable. In the case of non-structural BMPs, the effectiveness of the BMP shall be maintained by appropriate means (e.g., spill response supplies available and personnel trained, etc.).

6.3 Applicable District of Columbia Plans

Your SWPPP shall be consistent (and updated as necessary to remain consistent) with applicable District of Columbia storm water, waste disposal, sanitary sewer or septic system regulations to the extent these apply to your facility and are more stringent than the requirements of this permit.

6.4 Comprehensive Site Compliance Evaluation

6.4.1 *Frequency and Inspectors.* You shall conduct facility inspections at least once a year. Qualified personnel provided by you shall do the inspections. The qualified personnel you use may be either your own employees or outside consultants that you have hired, provided they are knowledgeable and possess the skills to assess conditions at your facility that could impact storm water quality and assess the effectiveness of the BMPs you have chosen to use to control the quality of your storm water discharges. If you decide to conduct more frequent inspections, your SWPPP shall specify the frequency of inspections.

- 6.4.2 *Scope of the Compliance Evaluation.* Your inspections shall include all areas where potentially hazardous substances or other pollutants or activities are exposed to storm water, and areas where spills and leaks have occurred within the past 3 years. Results of both visual and any analytical monitoring done during the year shall be taken into consideration during the evaluation. Storm water BMPs identified in your SWPPP shall be observed to ensure that they are operating correctly. Where discharge locations or points are accessible, they shall be inspected to see whether BMPs are effective in preventing significant impacts to receiving waters. Where discharge locations are inaccessible, nearby downstream locations shall be inspected if possible
- 6.4.3 *Follow-up Actions.* Based on the results of the inspection, you shall modify your SWPPP as necessary (e.g., show additional controls on map; revise description of controls to include additional or modified BMPs designed to correct problems identified). You shall complete revisions to the SWPPP within 14 calendar days following the inspection. If existing BMPs need to be modified or if additional BMPs are necessary, implementation shall be completed before the next anticipated storm event, if practicable, but not more than twelve (12) weeks after completion of the comprehensive site evaluation.
- 6.4.4 *Compliance Evaluation Report.* You shall ensure that a report summarizing the scope of the inspection, name(s) of personnel making the inspection, the date(s) of the inspection, and major observations relating to the implementation of the SWPPP is completed and retained as part of the SWPPP for at least three years from the date permit coverage expires or is terminated. Major observations should include: the location(s) of discharges of pollutants from the site; location(s) of BMPs that need to be maintained; location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location; and location(s) where additional BMPs are needed that did not exist at the time of inspection. You shall retain a record of actions taken in accordance with this permit as part of the Storm Water Pollution Prevention Plan for at least three years from the date that permit coverage expires or is terminated. The inspection reports shall identify any incidents of non-compliance. Where an inspection report does not identify any incidents of non-compliance, the report shall contain a certification that the facility is in compliance with the Storm Water Pollution Prevention Plan and this permit. Both the inspection report and any reports of follow-up actions shall be signed in accordance with Section 3.6 of this permit.
- 6.4.5 *Credit As a Routine Facility Inspection.* Where compliance evaluation schedules overlap with inspections required by the SWPPP, your annual compliance evaluation may also be used as one of the facility routine inspections.

6.5 Maintaining Updated SWPPP

You shall amend the Storm Water Pollution Prevention Plan whenever:

- 6.5.1 there is a change in design, construction, operation, or maintenance at your facility, which has a significant effect on the discharge, or potential for discharge, of pollutants from your facility;
- 6.5.2 during inspections, monitoring, or investigations by you or by District of Columbia or Federal officials it is determined the SWPPP is ineffective in eliminating or significantly minimizing pollutants from sources, or is otherwise not achieving the general objectives of controlling pollutants in discharges from your facility.

6.6 Signature, Plan Review and Making Plans Available

- 6.6.1 You shall sign your SWPPP in accordance with Section 3.6, and retain the plan on-site at the facility covered by this permit.
- 6.6.2 You shall keep a copy of the SWPPP on-site or locally available to the Permitting Authority for review at the time of an on-site inspection. You shall make your SWPPP available upon request to the Permitting Authority, a State, Tribal or local agency approving storm water management plans, or the operator of a municipal separate storm sewer receiving discharge from the site. Also, in the interest of the public's right to know, you are encouraged to provide a copy of your SWPPP to the public if requested in writing to do so.
- 6.6.3 The Permitting Authority may notify you at any time that your SWPPP does not meet one or more of the minimum requirements of this permit. The notification will identify provisions of this permit, which are not being met, as well as the required modifications. Within thirty (30) calendar days of receipt of such notification, you shall make the required changes to the SWPPP and submit to the Permitting Authority a written certification that the requested changes have been made.
- 5.5.4 You shall make the SWPPP available to the USFWS or NMFS upon request.

7 Storm Water and Non Storm Water Monitoring, Record Keeping and Reporting

7.1 Monitoring Instructions

- 7.1.1 *Monitoring Periods.* You are required to conduct monitoring of discharges from outfall 001 on a monthly basis in accordance to storm events as described in Section 7.1.2.1.

7.1.2 Collection and Analysis of Samples

You shall collect and analyze your samples in accordance with the requirements of this permit.

- 7.1.2.1 *When and How to Sample.* Sample no less than once a month in accordance with the Monitoring Requirements listed in Part I A of this permit.

Wet Weather sampling. Each month, take a minimum of one grab or composite sample from one storm event with at least 0.1 inch of precipitation (defined as a "measurable" event), providing the interval from the preceding measurable storm is at least 72 hours. The 72-hour storm interval is waived when the preceding measurable storm did not yield a measurable discharge, or if you are able to document that less than a 72-hour interval is representative for local storm events during the sampling period.

Wet weather grab samples shall be taken within the first 30 minutes of the discharge from a measurable storm event or as soon thereafter as practicable prior to the termination of the measurable storm event. If sampling is delayed, describe why the grab sample(s) within the first 30 minutes were impracticable. Submit this information on or with the discharge monitoring report (see Sections 7.3)

Wet weather composite samples shall be flow weighted. Wet weather composite samples shall commence within the first 30 minutes of the discharge from a measurable event or as soon thereafter as

practicable prior to the termination of the measurable storm event and an explanation for the delay included with the monitoring report. A minimum of three aliquots shall be taken in each hour of the discharge until the end of the discharge event or for the first three hours of the discharge event, whichever occurs first. Each aliquot shall be collected with a minimum period of time of fifteen minutes between aliquot collections.

Dry weather sampling. If no measurable storm event results in discharge from outfall 001 during the monthly monitoring period, than a dry weather discharge shall be monitored instead. A dry weather discharge is any discharge that occurs from outfall 001 which is not a result of a storm event but rather from a combination of any of the other permitted discharges including treated groundwater, pool and fountain water. Dry weather composite samples shall be collected for 24 hours or for the entire duration of the discharge event, whichever is less.

7.1.2.3 *Storm Event Data.*

Along with the results of your monitoring, you shall provide the date and duration (in hours) of the storm event(s) samples; rainfall measurements or estimates (in inches) of the storm event that generated the sampled runoff; the duration between the storm event samples and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and an estimate of the total volume (in gallons) of the discharge samples.

7.2 **General Monitoring Waivers**

Unless specifically stated otherwise, the following waivers may be applied to any monitoring required under this permit.

7.2.1 *Adverse Climatic Conditions Waiver*

When adverse weather conditions prevent the collection of samples, take a substitute sample during a qualifying storm event in the next monitoring period, or four samples per monitoring year when weather conditions do not allow for samples to be spaced evenly during the year. Adverse conditions (i.e., those which are dangerous or create inaccessibility for personnel) may include such things as local flooding, high winds, electrical storms, or situations which otherwise make sampling impracticable such as drought or extended frozen conditions.

7.3 **Monitoring Required by the Permitting Authority**

The Permitting Authority may provide written notice requiring discharge sampling for a specific monitoring frequency for specific parameters. Any such notice will briefly state the reasons for the monitoring, parameters to be monitored, frequency and period of monitoring, sample types, and reporting requirements.

7.4 **Record keeping**

7.4.1 *Documents.* You shall retain copies of all reports, including monitoring reports, and certifications required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the time of development. You shall retain copies of Storm Water

Pollution Prevention Plans throughout the period of the facility's coverage under this permit. This period may be extended by request of the Permitting Authority at any time.

7.4.2 *Records Contents.* Records of monitoring information shall include:

- The date, exact place, and time of sampling or measurements;
- The date(s) analyses were performed;
- The time(s) analyses were initiated;
- The initials or name(s) of the individual(s) who performed the analyses;
- References and written procedures, when available, for the analytical techniques or methods used; and
- The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.

7.4.2 *Accessibility.*

You shall retain a copy of the Storm Water Pollution Prevention Plan required by this permit (including a copy of the permit language) at the facility (or other local location accessible to the Permitting Authority, a State, Tribal or Territorial agency with jurisdiction over water quality protection; local government officials; or the operator of a municipal separate storm sewer receiving discharges from the site) from the date of permit coverage to the date of permit coverage ceases. You shall make a copy of your Storm Water Pollution Prevention Plan available to the public if requested to do so in writing.

7.4.3 *Addresses.*

All written correspondence concerning covered under this permit and directed to the EPA, including the submittal of individual permit applications, shall be sent to the address of the appropriate EPA Regional Office listed below:

Storm Water Coordinator (3WP13)
USEPA
1650 Arch Street
Philadelphia, PA 19103

7.5 Reporting Monitoring Results

7.5.1 You shall submit analytical monitoring results obtained from Outfall 001 on a Discharge Monitoring Report (DMR) form (one form shall be submitted for each storm event sampled). A DMR form is provided as an attachment to this permit. A copy of the DMR is also available on the Internet at www.epa.gov/owm/sw/permits-and-forms/index.htm The signed DMR shall be sent to:

DMR (3WP31)
USEPA
1650 Arch Street
Philadelphia, PA 19103

NOTE: If EPA notifies dischargers (either directly, by public notice or by making information available on the Internet) of other DMR form options that become available at a later date (e.g.,

electronic submission of forms), you may take advantage of those options to satisfy the DMR use and submission requirements of this Section.

Submit results by the 28th day of the month following the monitoring period.

7.5.2 *Miscellaneous Reports.*

You shall submit any other reports required by this permit to the Permitting Authority of the NPDES program at the address of the Region III Regional Office.

